CITY OF SPOKANE

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DIRECTOR

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Mr. Daniel Opalski, Director
Office of Water and Watersheds
U.S. Environmental Protection Agency, Region 10
1200 Sixth Avenue, OWW-130
Seattle, WA 98101

Re: Draft NPDES Permit Nos. ID-002285-3; ID-002582-2; and, ID-002659-0

Dear Mr. Opalski:

Thank you for the opportunity to review and comment on the above NPDES Permits. As you may know, the City of Spokane (Spokane) owns and operates municipal wastewater and stormwater systems that discharge to the Spokane River pursuant to NPDES Permits issued by the Washington State Department of Ecology (Ecology). The permits EPA issues to the City of Coeur d'Alene, City of Post Falls and Hayden Area Regional Sewer Board to discharge wastewater and stormwater to the Spokane River will directly affect Spokane's ability to meet its obligations under the Federal Clean Water Act, Washington State's Water Quality Standards, and Water Quality Standards promulgated by the Spokane Tribe.

In order to protect the interests of its citizens and ratepayers, Spokane has been an active participant in a variety of working groups and forums regarding water quality in the Spokane River. After many years of discussion, debate, and collaboration among a wide range of stakeholders, Ecology issued a Total Maximum Daily Load (TMDL) for Dissolved Oxygen in the Spokane River in 2010. EPA approved that TMDL and in 2011 Ecology issued NPDES Permit No. WA-002447-3 to Spokane based on the requirements of the TMDL. We have been working diligently to meet the stringent requirements of that Permit. For example, Spokane is testing different treatment technologies to determine which system would be most effective not only in removing nutrients that can lower dissolved oxygen but also at removing toxics such as PCBs. Spokane is also in the midst of developing an integrated approach to managing wastewater, stormwater and combined sewer overflows pursuant to EPA's 2012 policy directive, in consultation with Ecology and other stakeholders.

Unfortunately, EPA's decision approving the TMDL was appealed to the U.S. District Court in Idaho by dischargers in Idaho. Spokane filed a motion to intervene in the litigation in order to preserve the progress achieved through the TMDL process, and to protect Spokane's investment in new wastewater treatment systems. The appeal is pending but we understand it will be dismissed with prejudice after the Idaho dischargers receive final NPDES Permits. We urge EPA to move quickly so that the uncertainty created by the litigation is alleviated and the Idaho discharges can join Spokane and others in implementing new technologies and programs that will continue to improve water quality in the Spokane River.

Spokane's pilot tests of new technologies show it is feasible to achieve 50 µg/L total phosphorous as a seasonal average. This goal was used to develop waste load allocations for Washington State dischargers in the TMDL. We are encouraged to see that EPA also expects Idaho dischargers to achieve this same goal by installing comparable technology over the next 10 years. That is only fair to the citizens and ratepayers in Washington State. It is also critical to ensuring long-term improvements in water quality in the Spokane River.

Each Idaho discharger will receive a compliance schedule to meet final effluent limits in 2023. We note that each discharger has interim milestones for engineering (1 yr), pilot testing (3 yrs), system design (5 yrs), and construction completion (8 yrs). Spokane is encouraged by these milestones, and by the fact that each Idaho discharger will have a period of time (2 - 3 years) to work with their new system and then comply with final limits in 2023. We are, however, concerned that Ecology is scheduled to complete its initial ten-year review of the success of the TMDL in 2020. The concept was for Ecology to look at water quality in the Spokane River after all municipal entities had installed the next level of treatment and operated these new systems for a period of 2 - 3 years. EPA and Ecology should consider how a useful ten-year review can be conducted in 2020 if the Idaho dischargers do not upgrade their wastewater facilities until 2023.

We note with approval that EPA is requiring Idaho dischargers to implement monitoring and source control programs to reduce PCBs in wastewater and stormwater comparable to the programs Spokane has been implementing. We also appreciate that the Idaho dischargers will participate in the Toxics Taskforce. As you may know, the Washington State Pollution Control Hearings Board recently has required Ecology to revisit comparable provisions in an NPDES permit issued to Spokane County. EPA and Ecology should consider how that process might affect permits issued to Idaho dischargers. Finally, we reviewed the effluent limits for metals such as zinc. In order to protect water quality, Spokane (53.8 µg/L monthly average) is required to achieve effluent limits for zinc that are twice as stringent as EPA's proposed effluent limits for Idaho dischargers (135 µg/L monthly average). It is not clear from the Fact Sheets why municipal discharges in Idaho are not being held to the same standard as Spokane. We look forward to reading EPA's responses to our comments.

Respectfully submitted,

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cc: Theresa Sanders, City of Spokane, Administrator
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